

Appl. No. 10/776,853
Atty. Docket No. 9523
Amdt. dated 10/3/2005
Reply to Office Action of 7/1/2005
Customer No. 27752

REMARKS

Claims 1-2 are pending for review and consideration.

Rejections Under 35 U.S.C. § 102, 103

Claim 2 was rejected under 35 U.S.C. § 102(b) as being allegedly anticipated by U.S. Patent No. 6,367,710 to Fan ("Fan"). Claim 1 was rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Fan. Applicants respectfully traverses the rejection.

On pages 2-4 of the Office Action, it alleges that Fan teaches all material limitations of the present invention. Applicants respectfully submit that the present invention is not disclosed by Fan. Specifically, Applicants respectfully submit that Fan does not disclose or suggest, among other elements, a housing comprising a handle portion for gripping in an operator's hand. Moreover, Fan does not disclose or suggest a selector switch operatively connected to said valve system, said selector switch having positions for said more than one sprayer settings, wherein said selector switch is located above at least a portion of said handle portion a distance from the portion of said handle portion that fits in the operator's fingers, wherein said distance is within a range sufficient to permit the operator to move said selector switch with the operator's thumb of the same hand that is holding said sprayer by said handle portion.

Applicants respectfully submit that Fan does not disclose, among other elements, a handle portion for gripping in an operator's hand. There is absolutely no mention in Fan of a handle for gripping. Fan is also silent with regards to gripping the alleged showerhead. However, as Fan relates to showerheads, one of ordinary skill would recognize that showerheads are typically mounted in place, such as in a shower. Absent any disclosure related to a handle for gripping, the term "handle" in Fan is defined as "a tube which communicates with the chamber (11) inside the water-exit element (10) by a bottom opening (13) defined in the bottom periphery of the water-exit element (10)". See Fan, col. 2, lines 4-7. Fan does not define or indicate in any way that the "handle" can be used for gripping. In short, there is absolutely no disclosure of a handle portion for gripping, as in the present invention. Moreover, the term "handle" as defined in Fan does not include any reference to gripping. The term "handle" is defined in the present invention, however, as a handle for gripping by a user. See, e.g., Specification, page 3, lines 23-24. As such, Fan does not disclose or suggest each and every element of the present invention.

Applicants also submit that Fan does not disclose or suggest a selector switch operatively connected to said valve system, said selector switch having positions for said more than one sprayer settings, wherein said selector switch is located above at least a portion of said handle portion a distance from the portion of said handle portion that fits in the operator's fingers,

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wherein said distance is within a range sufficient to permit the operator to move said selector switch with the operator's thumb of the same hand that is holding said sprayer by said handle portion. As stated above, there is absolutely no disclosure or suggestion in Fan of the handle for gripping of the present invention. As Fan does not disclose the handle of the present invention, logically, it cannot disclose, among other elements, said selector switch above said handle.

Applicants respectfully submit that the rejection under 35 U.S.C. § 102, 103 have been overcome. All claims are believed to be in condition for allowance. Should the Examiner disagree, Applicants respectfully invite the Examiner to contact the undersigned attorney for Applicants to arrange for a telephonic interview in an effort to expedite the prosecution of this matter.

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CONCLUSION

In view of the foregoing amendments and accompanying remarks, reconsideration of the application and allowance of all claims are respectfully requested. No fee is believed to be due for the amendments herein. Should any fee be required, please charge such fee to Procter & Gamble Deposit Account No. 16-2480.

Respectfully Submitted,

THE PROCTER & GAMBLE COMPANY

By


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